

Application No.: 09/371,212
Amendment dated: November 19, 2003
Reply to Office Action of: May 19, 2003

REMARKS

This amendment is responsive to the Office Action dated May 19, 2003. Claims in the case remain 51-106, all of which have been effectively amended by amendment of the two single independent claims, specifically claims 51 and 80. Reconsideration is respectfully requested, in view of the present form of the claims and the following comments.

The Shavit, et al. patent (U.S. Patent No. 4,799,156) is recognized as a system for communications and processing of business transactions. Applicant appreciates that the Office Action recognizes differences between the Shavit system and Applicant's system. In that regard, some consideration is deemed appropriate with respect to each of the references asserted in combination with Shavit.

While Shavit involves communication and processing, the supplemental references are not so directed. First, the Kaye, et al. patent (U.S. Patent No. 5,727,164) is not directed to a system that is transactional. That is, the system of the Kaye patent is directed to a search facility to locate a vendor, after which a buyer "can then contact that vendor using the vendor information which is available" (col. 4, lines 19-20) presumably to subsequently accomplish a transaction using other forms of communication.

The Foster, et al. patent (U.S. Patent No. 4,897,867) is directed to an order entry system, e.g., primarily for implementing pay-per-view television (e.g., see col. 8, line 33).

The Smith patent (U.S. Patent No. 5,450,123) primarily involves the combination of audio and video signals from separate sources as or controlled purposes.

In view of the entirely different functions and structures of the four references, the propriety of a combination is questioned. Clearly, no suggestions appear in the references for the combinations and the distinct areas of technology also fail to suggest combinations. Consequently, reconsideration is respectfully requested with regard to the rejection of the claims based on reference combinations as asserted.

As a further basis for requesting reconsideration, attention is directed to the rejection of claims based in part on the Kaye patent teaching of maximum costs (col. 5, line 57; col. 6, line 2). In view of the file history, some refinement is appropriate in this regard. Specifically, the patent emphasizes that the "minimum cost" operation of the system involves search criteria (col.

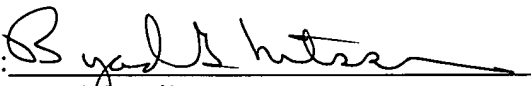
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5, line 57). On the contrary, Applicant's claims are specific to recite that "communication from a buyer terminal" specifies the "maximum purchase price" in an initial phase. As a cosmetic refinement, the independent claims 51 and 80 have been amended to emphasize this distinction.

In view of the present form of the claims, reconsideration is respectfully requested with a view toward allowance.

Respectfully submitted,

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